



# Indiana Court Times

Supreme Court, Division of State Court Administration  
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## Senior Judge Thomas Webber Honored For Service By Gov. Daniels

*Senior Judge Thomas Webber was honored by Gov. Mitchell E. Daniels Jr. during a July 18 luncheon with Indiana's appellate courts with the presentation of the "Distinguished Hoosier" certificate for his service to the Supreme Court.*

Gov. Daniels and key members of his staff had been invited by Chief Justice Randall T. Shepard to lunch in the Supreme Court Conference Room with the Supreme Court, the Tax Court, and the Court of Appeals. The Governor asked if he could use the occasion to present Judge Webber with the "Distinguished Hoosier" certificate, which Gov. Daniels said is the highest honor the executive branch is currently presenting.

The Governor presented Judge Webber with the award to recognize his yeoman's work in serving not once but twice to cover vacancies in the Lake Superior Court criminal division. Judge Webber formerly served in the Porter Superior Court from 1990 until 2002.

Chief Justice Shepard, who said Judge Webber had been recruited for the tasks in Lake County by Justice Robert D. Rucker, said the Supreme Court truly appreciated Judge Webber's service.

"Collectively, filling in for these two vacancies represented a commitment of many months, and we are all grateful for Judge Webber's willingness to help," he said.



*Left to right: The Hon. Thomas Webber, The Hon. Mitch Daniels, seated The Hon. John Baker and The Honorable Randall T. Shepard*

During the luncheon, the members of the appellate courts also had an engaging and wide-ranging conversation with the Governor on topics that ranged from judicial independence to community corrections, from financing the trial courts to the "meth" problem.

Chief Justice Shepard also took the occasion to thank Gov. Daniels for his strong support during the past legislative session for the judicial compensation package.

In his remarks, Gov. Daniels said that when he inventories the strengths and weaknesses of Indiana, he puts the judiciary "on the plus side" of the ledger and he pointed out that not every state could make the same statement.

## New Program to Provide Limited Telephonic Foreign Language Interpretation for Indiana Courts

*In a continued effort to improve access to justice in the courts, the Indiana Supreme Court has dedicated \$25,000 this fiscal year to provide Indiana courts with telephonic foreign language interpretation for less regionally familiar languages.*

The new "Language Line Interpretation Program" will allow any Indiana court to utilize the Supreme Court's contract with Language Line Services, an over-the-phone interpretation service based in Monterey, California, so long as the court 1) requires interpretation services for a language other than Spanish, 2) the hearing will be 20 minutes or less, and 3) the court's staff obtains approval to utilize the service from designees at the Division of State Court Administration.

Special thanks should be given to Judge Douglas B Morton from Fulton Circuit Court as this program germinated from a written suggestion he sent to Chief Justice Shepard. Judge Morton pointed out that the growing diversity of languages in Indiana has created challenges for trial court judges in preparing for all contingencies. He proposed uti-

lizing some of the monies for the foreign language interpreter grants to fund a statewide contract with overseas telephone operators to perform limited interpretation.

Intrigued by this concept, Chief Justice Shepard requested that staff from the Division of State Court Administration examine the need for such services and the feasibility of a statewide contract. Analysis of data submitted for the 2004 Annual Report reflected that at least nineteen court systems in the state required interpretive services in languages other than Spanish and sign language. Further, court administrators for some of the major metropolitan counties posited that approximately 20% of their interpretive need is for languages other than Spanish. Some of the languages counties reported needing interpretation for included: Amharic, Arabic, Bosnian, Burmese, Cantonese, Chinese Mandarin, Creole, French, Ger-

man, Greek, Hindi, Indonesian, Korean, Laotian, Lithuanian, Macedonian, Portuguese, Polish, Punjabi, Russian, Serbian, Serbo-Croatian, Turkish, Urdu, and Vietnamese.

After careful evaluation, Chief Justice Shepard and the Indiana Supreme Court decided to contract with Language Line Services for over-the-phone interpretation services for Indiana courts. Language Line Services provides interpretation services in more than 140 languages and is available 24 hours a day, 7 days a week, 365 days a year. Interpreters are required to be familiar with police and 911 procedures and have hundreds of hours experience interpreting.

The Language Line Interpretation Program is available now to Indiana courts. For more information on the program, please contact the Division of State Court Administration at 317-232-2542.

*Adrienne Meiring*

### Please Write to Us!

We are reaching out to our readers for interesting articles for the Court Times. We are looking for stories on innovative programs in our local courts, human-interest stories, humorous anecdotes, or anything about our judges and clerks or stories or articles written by them. Please send your submissions to: [dguthrie@courts.state.in.us](mailto:dguthrie@courts.state.in.us) by email or Deborah Guthrie-Jones, c/o the Indiana Court Times, 115 West Washington Street, Suite 1080, Indianapolis, IN 46204-3466. Thank you. Jim Maguire, Editor

## Indiana Supreme Court Honors Clerks For Input and Support For The CMS

*More than 200 Clerks and staff from all 92 Indiana counties received a surprise visit from Indiana Supreme Court Justice Brent E. Dickson at the Association of Clerks of the Circuit Courts of Indiana summer conference in Indianapolis.*

Justice Dickson made the visit to present awards to the current and past president of the clerks association for their support of the Case Management System project and their continued input which will help ensure its success.

Lynne Spevak, past president of the association, has also been appointed to the CMS Governing Board, where she will provide a clerk's perspective on system functions as well as give progress updates to her fellow clerks.

A Certificate of Appreciation signed by each member of the Indiana Supreme Court was awarded to Spevak and to current clerks association president Linda Grass, who also serves as Spevak's alternate to the Governing Board.

"Lynne has been a key participant and has shared her expertise with the Case Management System project team since its inception," said Justice Dickson. "Lynne has not only had the best interests of the Clerks in mind but also what is best for the state as a whole."

Spevak said she was committed to providing input

to the CMS team and working to ensure the success of the project.

A Certificate of Appreciation was also awarded to Grass. She has offered JTAC great assistance with the critical project now underway with the Indiana Bureau of Motor Vehicles which will allow electronic transfer of conviction information to the BMV.

Justice Dickson told the audience how important the new BMV project is to the state of Indiana.

"As evidenced by the letter that all of you received from Chief Justice Shepard, Governor Mitch Daniels, (BMV Commissioner) Joel Silverman and Linda, and with a federal mandate bearing down on all the states, Linda has pledged her support to help with this project," he said.

New federal rules require that serious commercial drivers' license holder convictions be sent to the BMV within 10 days or the state risks losing \$30 million in federal highway funds.

In addition to Spevak, Hamilton County Clerk Tammy Baitz has also been appointed to the CMS Governing Board. Her alternate is Deb LePere.

Mary DePrez

### Food for Thought

We must have a program to "learn the way out of prison."

**Warren E. Burger**

They taught me, not by precept, but by example, that nothing is more commendable, and more fair, than that a man should lay aside all else, and seek truth; not to preach what he might find; and surely not to try to make his views prevail; but, like Lessing, to find his satisfaction in the search itself.

**Learned Hand**

The liberties of none are safe unless the liberties of all are protected.

**William O. Douglas**

Do the best you can in every task, no matter how

unimportant it may seem at the time. No one learns more about a problem than the person at the bottom.

**Sandra Day O'Connor**

I shall not today attempt further to define the kinds of material but I know it when I see it.

**Potter Stewart**

The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well meaning but without understanding.

**Louis D. Brandeis**

It is the paradox of life that the way to miss pleasure is to seek it first. The very first condition of lasting happiness is that a life should be full of purpose, aiming at something outside self.

**Hugo Black**

## Pro Bono Mediators Trained and Available to Courts

*In an effort to promote pro bono legal services and increase the availability and affordability of mediation in family law cases, the Indiana Supreme Court sponsored a Pro Bono Domestic Relations Mediation Training June 6-10, 2005.*

The training was the cooperative effort of the Supreme Court, the Pro Bono Commission, the Commission for Continuing Legal Education, the Division of State Court Administration, the Family Law Project, and the Indiana University School of Law – Indianapolis, which hosted the event. The training was free for attorneys who agreed to provide mediation services in 4 family law cases over a two-year period.

**Mediation Participants and Trainers.** Thirty-two attorneys were selected for the training by their local Pro Bono Districts. All of the Pro Bono Districts sent at least one participant, but most Districts sent 2 and several sent 3. At least a third of the training participants indicated that their home communities had few or no family law mediators.

Mediation expert and law professor Tom Patrick from the West Virginia University College of Law served as the Lead Trainer for the mediation training. Professor Patrick was instrumental in developing the subsidized family law mediation program used in the West Virginia Courts. The Indiana assistants and experts for the training included mediator and attorney Charlie Asher from South Bend, clinical psychologist and mediator Shay Daley from Lafayette, mediator and clinical professor Amy Applegate from the Indiana University School of Law-Bloomington, and mediator and attorney Nancy Gettinger Herrbach from LaPorte. The mediation training met the standards for the 40-hour domestic relations mediation training, and all the participants were eligible to apply to be registered as family law mediators at the conclusion of the training.

**A Unique Training.** The training went beyond the standard mediation fare. It included instruction and role plays on ethical issues in mediation with pro se parties and emphasized strategies for helping parents solve future problems.

While many of the training participants were more familiar with a “caucus” model of mediation in which parties trade statements and positions from separate rooms, this training encouraged parties to communicate directly and problem solve together in the same room. Mediators also received training on creating a respectful problem-solving environment, focusing on the needs of children, and helping parties develop their own strategies for how they will solve future problems.

The training included instruction on the free interac-

tive websites [www.UpToParents.org](http://www.UpToParents.org) (for divorcing and divorced parents) and [www.WhileWeHeal.org](http://www.WhileWeHeal.org) (for never-married parents). Attendees saw how parents could do this website work before mediation to build their child-focused cooperation, including by creating a set of personalized commitments to their children.

Another unique aspect of the mediation training was the opportunity to observe live mediations. Marion County Commissioner Alicia Gooden referred six cases for mediation for Monday through Thursday of the training week. Each member of the training faculty conducted at least one live mediation while training participants observed. Participants were able to see different styles of mediation, followed the next day by discussions on debriefing and alternative strategies.

The training drew to a close with an award of certificates by Judge Margret Robb of the Indiana Court of Appeals and the Chair of the Indiana Family Court Project. She shared her view that the adversarial system isn’t working for families. Instead, mediation creates a “problem solving” state of mind that is more productive for the parties and the legal system. Charlie Asher carried on the charge by reminding the graduates that the mediation “process” is a kinder and gentler way of practicing family law whether serving as an attorney/mediator or as an attorney accompanying a client to mediation. Under either scenario, attorneys can make a significant difference by helping de-escalate the personal fight between warring spouses. Attorneys can and should model the cooperative approach that helps parents transition from disputants to effective co-parents.

**Accessing Pro Bono Mediators.** Civil judges are encouraged to contact their local Pro Bono District Plan Administrators to refer cases to the newly trained family law mediators that have completed the registration process. The contact information for the Pro Bono District Administrators is on the Supreme Court web site at [www.in.gov/judiciary/programs](http://www.in.gov/judiciary/programs) under the Pro Bono Commission. The Pro Bono Commission recently clarified that providing mediation services for indigents may be credited toward an individual’s Pro Bono Publico Service obligation as outlined in Indiana Rules of Professional Responsibility 6.1.

Attorney and training participant Maria T. Worthington from the Evansville firm of Kahn, Dees, Donovan, and

*continued on page 5*



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Kahn, LLP recently completed her first pro bono mediation. Although the case was extremely challenging, she is looking forward to additional referrals from the court.

Also, the newly trained mediators may plug-in to a variety of existing mediation programs around the state. Pursuant to 2003 legislation, at least 17 Indiana courts have filed written ADR plans to deliver mediation services to

low income families funded by a \$20 ADR fee charged in divorce and paternity filings. More information about the ADR Plans is available at [www.in.gov/judiciary/committees](http://www.in.gov/judiciary/committees) on the web page for the Domestic Relations Subcommittee of the Indiana Judicial Center or by contacting Leslie Rogers Dunn at the Division of State Court Administration, [lrogers@courts.state.in.us](mailto:lrogers@courts.state.in.us) or 317-232-2542.

*Frances Hill*

## Family Court Phase IV – Court Encouraged to Apply for Grants

The Supreme Court will begin Phase IV of the Family Court Project in January of 2006. The application form to serve as a new family court county is available on the Supreme Court web site at [www.in.gov/judiciary/programs](http://www.in.gov/judiciary/programs), and is due on October 20, 2005. The web site also provides detailed information about the family court vision, values and outcomes, special trial rules, and requirements.

All interested judicial officers are encouraged to contact the Family Court Consultant, Francie Hill (812-336-7551, [frances\\_hill@hotmail.com](mailto:frances_hill@hotmail.com)). Ms. Hill will discuss interests and questions by phone or e-mail, but would appreciate the opportunity to meet personally with judicial officers, bar members, and/or community service providers in their counties to discuss family court options. Ms. Hill will be available at the fall Judges conference to assist with applications and answer questions.

The Family Court Project was initiated by the Supreme Court in 2000 to develop better ways to serve children and families in the court system. The Project is administered through Executive Director Lilia Judson in the Division of State Court Administration. The Honorable Margret G. Robb in the Court of Appeals serves as the Project Chairwoman.

The Family Court Project was initially implemented to deal more effectively with families who have multiple cases pending in the court system before different judicial officers. Alternative Dispute Resolution and special services for low income, at risk, and/or pro se families have also been a focus for family court projects. Counties are encouraged to copy already existing family court programs or to initiate new models to better serve families and children. Some new programming ideas for Phase IV may include the following: cooperative lawyering in family court matters, local rules development for family law cases pursuant to Trial Rule 81, family-focused processes to improve/expedite CHINS cases, and standardized processes and procedures for all judges in the county handling divorces or paternities.

The Family Court Project is more than just case coordination or specialized programs. It is a concept or mind set. It encourages judges and attorneys to work cooperatively within their communities, in a problem solving mode, to insure the safety and stability of children and the prompt and long-term resolution of legal issues.

Seventeen counties are currently involved in family court projects. Each project is unique and tailored to the needs and resources of the participants. Most of the projects involve single counties. The judicial officers handling the county's family and juvenile cases usually spearhead the effort, but all of the county's judges agree in principle to the concepts of the proposed family court project. Some small counties have joined together to form multiple-county projects. Some larger counties have developed separate but coordinated family court programs, under cooperative judicial leadership.

\$500,000 will be available from the Supreme Court for Phase IV. Counties specify in their application the amount of grant funds needed. Seed grants for new counties generally range from \$10,000 to \$40,000 per year, for a two-year period, but there are no hard limits. Existing family court projects may receive transition grants without additional application. The ultimate goal is for project counties to reallocate court resources and/or develop other local funding sources to become independent of Supreme Court grants within a reasonable period of time.

New family courts will be selected in late 2005 and will receive significant planning and implementation assistance in 2006 to initiate their projects. Statewide family court meetings are held annually. The existing family court judges and personnel share forms and processes freely, and graciously mentor new counties.

All interested judicial officers are invited to attend the Annual Family Court Meeting October 7, 2005 from 1-4 p.m. in Indianapolis to experience the family court mind-set and learn about successful family court programming. Please contact Francie Hill to make necessary arrangements.

*Frances Hill*

## Indiana's Chief Justice Named Chair of National Court Reform Organization

Chief Justice of Indiana Randall T. Shepard has been named Chair of the Board of Directors of the National Center for State Courts (NCSC), succeeding Chief Justice of Wisconsin Shirley S. Abrahamson.

At the same time, Shepard also was named president of the Conference of Chief Justices (CCJ), a national organization that represents the top judicial officers of the 50 states and U.S. territories, and of which the National Center serves as executive staff. Both positions are one-year terms. The appointments were made during the National Center's Board meeting and CCJ's annual meeting, July 31 — August 3 in Charleston, South Carolina.

Chief Justice Shepard's commitment to improving the justice system is extensive. For years, he has worked closely with the National Center to help improve the judicial selection process, one of NCSC's top initiatives. Chief Justice Shepard also was designated by the Conference of Chief Justices as their representative in the American Bar Association's project to revise the Model Judicial Code, which includes reference to judicial election issues. Chief Justice Shepard took office in 1987 and has served as chief longer than anyone in Indiana history. He was first appointed to the Indiana Supreme Court in 1985. Shepard was judge of the Vanderburgh

Superior Court from 1980 until his appointment. A graduate of Princeton, Yale Law, and the University of Virginia, Shepard has written more than 600 opinions for his court and some 40 law review articles.

The NCSC, headquartered in Williamsburg, VA, is an independent, non-profit organization dedicated to improving the administration of justice by providing leadership and service to the state courts. The NCSC, founded in 1971 by the Conference of Chief Justices and Chief Justice of the United States Warren E. Burger, provides education, training, and technology, management, and research services to the nation's state courts. The NCSC also is taking the lead on several key issues facing the justice system. For example, it has established a major civil justice initiative, a multi-year project that is examining best practices in civil case management and how complex litigation procedures can be improved. Other national initiatives being driven by the NCSC include judicial selection reform and increasing citizen participation in jury service.



*Lorri Montgomery*

### New Staff at the Division

**Adrienne Meiring** joined the Division of State Court Administration as a staff attorney for the Commission on Race and Gender Fairness, the Court Interpreter Certification Program, and the Pro Se Commission in February 2005. Adrienne received her B.A. in criminology from Ohio State University in 1990 and her J.D. from Ohio State College of Law in 1993. Dedicated to public service, Adrienne has worked both in federal and local government prior to joining the Division. Upon graduation from law school, she served as a judicial law clerk for the Honorable Rudy Lozano, U.S. District Court Judge for the Northern District of Indiana/Hammond Division. Adrienne has also litigated employment discrimination cases on behalf of the Equal Employment Opportunity Commission, and, most recently, Adrienne worked for the Marion County Prosecutor's Office in the sex crimes division. In that position, Adrienne took a number of high profile child molest and rape cases to trial, including a case involving a serial rapist/murderer, who is now serving a sentence of life without parole.

**James F. Maguire** joined the Division as Staff Attorney and serves as Court Times Editor and coordinator of the local court rules TR 81 efforts as well as working with the Court on attorney disciplinary matters. He is a graduate of Purdue University with an undergraduate degree in Economics from the Krannert School of Business and the Indiana University School of Law in Indianapolis. He served as chief of staff and Hoosier Lottery Director in the administration of Governor Frank O'Bannon and also served as Senate Parliamentarian when O'Bannon was Lieutenant Governor. He served as Chairman of the Recycling and Energy Development Board during the administration of Governor Bayh. His experience also includes service as a Public Defender in the Marion County Criminal Courts and as a staff attorney and legislative draftsman for the Indiana General Assembly.

## Indiana Supreme Court Launches Public Sector Interpreting Initiative

*In an effort to broaden the pool of qualified interpreters, and to increase the efficiency of interpreting services, the Indiana Supreme Court recently hosted on August 23, at the IUPUI campus, the Indiana Public Sector Interpreting Initiative.*

The event featured many keynote speakers including Chief Justice Randall Shepard, Lake Circuit Court Judge Lorenzo Arredondo, and William Hewitt of the National Center for State Courts.

The meeting brought together many agency leaders, and their staff from state and federal offices, and the health care community to compare different needs for providing services to persons with limited English proficiency. The Indiana Supreme Court, with the help of other partners, hopes to be able to start a collaborative approach to improving public sector foreign language interpretive service resources in Indiana.

The meeting featured 'Casos de la vida real' (real life, real stories) from current certified interpreters and real life courtroom and medical experiences. The afternoon session included workshops aimed at reviewing agencies' needs and uses for language resources, surveying the existing resources and the current process each agency follows for providing interpreting services, as well as a roundtable discussion on the financial issues facing the different agencies.

Over 45 people attended the event including Judge Gregory Scott Kellam, Indiana Civil Rights Commission; Suellen Reed, Superintendent of Public Instruction; Juana Watson, Senior Advisor for Latino Affairs for Governor Daniels; Nancy Gargula, United States Trustee; William Marsh, Federal Public Defender; Susan Carpenter, State Public Defender; Lilia Judson, Director of State Court Administration; and Susan Brooks, United States Attorney. Other agencies from which representatives were sent included the Bureau of

Motor Vehicles, Indiana Utility Regulatory Commission, United States Probation Office, Indiana Worker's Compensation Board, Indiana Department of Corrections, Indiana Department of Labor, United States District Courts, Senator Evan Bayh's Office, Indiana Minority Health Coalition, United States Trustees Office, Senator Richard Lugar's Office, Office of the Indiana Attorney General, Social Security Administration, Family and Social Services Administration, Indiana Commission on Hispanic and Latino Affairs, Indiana Department of Revenue and Mayor Bart Peterson's Office.

The meeting was held in conjunction with the Indiana Supreme Court Commission on Race and Gender Fairness and the Indiana Court Interpreter Certification Program. The Court Interpreter Certification Program, launched in January 2003, certifies persons in the state for interpreting in the Indiana trial courts. Currently the Indiana

Supreme Court only certifies in the Spanish language, but hopes at some point in the future to certify in other languages as well. To date there are eight certified court interpreters in the State of Indiana with another 39 preparing to be tested in mid-September. For more information on Indiana's Court Interpreter Certification Program or the Indiana Public Sector Interpreting Initiative, please call the program coordinator, Adrienne

Meiring at 317-232-2542 or visit our website at [www.in.gov/judiciary/interpreter](http://www.in.gov/judiciary/interpreter).

Sarah A. Shoup



Over 45 people attended the Public Sector Interpreting Initiative. Pictured above left to right: Ja-Deen Johnson, Susan Carpenter, Juana Watson, Diana McIntosh-Dilworth, Lilia Judson, and Michelle Goodman



Lake Circuit Court Judge Lorenzo Arredondo told of courtroom experiences where court interpreters have been needed.

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### **Editorial Board**

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### **Please Circulate to Co-workers**

**This newsletter reports on  
important administrative matters.  
Please keep for future reference.**

### ***Indiana Court Times***

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Division of State Court Administration  
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